

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

May 1, 2019

Joshua Freedman
MuckRock
MuckRock News Dept. MR 72119 411A
Somerville, MA 02144

72119-59801083@requests.muckrock.com

Re: RTK – Final Response

Dear Mr. Freedman:

This is in response to your request for records made pursuant the Pennsylvania Right-to-Know Law (RTKL). Your request, which this Office received on April 24, 2019, is for the following records:

Any list or lists of former or current police officers that may have credibility issues, when they were put on the list, and if available, for what reason.

Your request for the abovementioned records must be respectfully for the reasons set forth below.

First, your request is not a request for identifiable records under the Pennsylvania RTKL. Rather, your request is a request for answers to specific questions. The Pennsylvania Office of Open Records (OOR) repeatedly has advised that the RTKL cannot be used to answer questions. A request must seek records, rather than answers to questions, in order to comply with the requirements of 65 P.S. § 67.703. *See, e.g., Hoppe v. PA. Dept. of Education*, Docket No. AP 2011-0580.

Second, even if your request was for an identifiable record within the scope of the RTKL, your request would still be denied for lack of specificity. Your request fails the legal test created by the Pennsylvania courts for determining the specificity of RTKL requests. *See, Pa. Dep't of Educ. v. Pittsburgh Post-Gazette*, 119 A.3d 1121 (Pa. Commw. Ct. 2015), and *Carey v. Pa. Dep't of Corr.*, 61 A.3d 367, 372 (Pa. Commw. Ct. 2013). Absent the requisite limiting information, it is impossible to determine with a reasonable certitude what records that you are seeking. An open-ended request that gives an agency little guidance regarding what to look for may be so burdensome that it will be considered overly broad. *Mollick v. Township of Worcester*, 32 A.3d 859, 871 (PaCmwth.2011). In addition, the specificity of a request must be construed in the request's context, rather than envisioning everything the request might conceivably encompass. *Pennsylvania State Police v. Office of Open Records*, 995 A.2d 515,516-17 (PaCmwth.2010).

JERRY TYSKIEWICZ, DIRECTOR

DEPARTMENT OF ADMINISTRATIVE SERVICES

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Any party denied access to a record may file an appeal with the Office of Open Records within 15 business days of the mailing date of the agency response addressed as follows:

Pennsylvania Office of Open Records
333 Market Street - 16th Floor
Harrisburg, PA 17126-0333

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Tyskiewicz", written over a light gray rectangular background.

Jerry Tyskiewicz, Director
County of Allegheny Open Records Officer